

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Sher	SB 436
Sponsor	Related Bills	Date Amended
Author		As Introduced

BILL SUMMARY

SB 436 would require the California Integrated Waste Management Board (CIWMB), in consultation with the Department of Conservation (DOC), to prepare and submit to the Legislature a report that identifies any duplication or overlap between specified programs administered and funded by the two agencies. The report would be due by July 1, 1998. SB 436 is an urgency measure.

BACKGROUND

Senator Sher is carrying SB 436 without a sponsor. SB 436 is similar to Sher legislation carried in 1993 and 1994, which was vetoed by the Governor (see Legislative History section of this analysis). Senator Sher's intent is to identify and deal with any overlap and duplication between the CIWMB and the DOC in the areas of public information and education, local government review and assistance, and recycled materials market development.

The CIWMB, part of the California Environmental Protection Agency (Cal/EPA), has responsibility to implement a variety of programs to divert, reduce, reuse, recycle and compost solid waste generated in the state as strategies to meet the reduction mandate of 25% by 1995 and 50% by 2000. The DOC, part of the Resources Agency, administers the California Beverage Container Recycling and Litter Reduction Act ("Bottle Bill"), which promotes the recycling of beverage containers.

In February of 1995 four Memoranda of Agreement (MOA) were signed by the CIWMB and the DOC. The MOAs covered the areas of the Public Agency Buy Recycled Program (expired January 1, 1997), Environmental Education and Curriculum Development (expired January 1, 1997), Data Collection and Distribution (expired one year after date of signature), and the Recycling Hotline (expired January 1, 1996).

Departments That May Be Affected Department of Conservation		
Committee Recommendation	Committee Chair	Date
		45

The CIWMB and DOC worked together to coordinate efforts in the Public Agency Buy Recycled Program in order to avoid overlap, outline areas of participation, and effectively promote procurement of recycled content products by the Department of General Services, state agencies, and other public entities. Many of these efforts began in 1993-94, before the MOA was formalized. Most of the tasks have been completed, with the exception of a few that are ongoing on the part of the CIWMB.

The CIWMB and DOC worked together to coordinate activity with regard to curriculum development and youth outreach activities. It was agreed that the CIWMB would deal with curriculum development and the DOC with rallies and youth outreach activities. Staff from the two agencies continue to meet informally on a bimonthly basis to compare schedules and review materials to eliminate inappropriate duplication.

The CIWMB and DOC completed a list of tasks related to data collection and distribution, which included appointing a task force, identifying data compatibility needs, and developing procedures for joint efforts to collect and distribute data from, and to, the public, other state agencies, and the regulated community. The tasks were completed on schedule and without conflict.

The CIWMB and DOC worked collaboratively on expanding and modernizing a joint recycling hotline with Pacific Bell. The project was about to go forward when Cal/EPA decided to move ahead with an effort to work with the U.S. Environmental/Recycling Hotline, a national automated service that would not impose any costs on the CIWMB. A test of the service, scheduled to begin in May 1997, would feature information from all Cal/EPA boards and departments, and people who call it from California would get a California-based message.

EXISTING LAW

State law:

1. Creates the California Integrated Waste Management Act of 1989 (Act), administered by the CIWMB. The act establishes an integrated waste management program, including providing for recycling to reduce solid waste disposal (PRC §40000, et al.).
2. Creates the California Beverage Container Recycling and Litter Reduction Act (CBCRLRA), administered by the Department of Conservation. The CBCRLA requires every beverage container sold or offered for sale in the state to have a minimum refund value to encourage recycling and litter reduction (PRC §14500, et al.).

ANALYSIS

AB 436 would:

1. Require the CIWMB, in consultation with the DOC to prepare and submit to the Legislature a report that identifies any duplication or overlap between the following programs administered and funded by the two agencies:
 - a. Public information and education programs,
 - b. Local government review and assistance programs, and
 - c. Recycled materials market development programs.
2. Require the report to include, but not be limited to, suggested legislation, budget actions, or administrative actions that could be taken to eliminate duplication or overlap between the two agencies and programs.
3. Require the report to be due on or before July 1, 1998.
4. Be an urgency measure.

COMMENTS

Public information and education. Duplication and overlap in the area of public information and education programs has been addressed. One of the MOAs signed by the CIWMB and the DOC in February 1995 dealt specifically with environmental education and curriculum development. It was agreed that the CIWMB would deal with curriculum development and the DOC with rallies and youth outreach activities. Staff from the two agencies continue to meet informally on a bimonthly basis to compare schedules and review materials for duplication.

A second MOA dealt with the recycling hotline. The CIWMB and DOC worked collaboratively on expanding and modernizing a joint recycling hotline with Pacific Bell. The project was about to go forward when Cal/EPA decided to move ahead with an effort to work with the U.S. Environmental/ Recycling Hotline, a national automated service that would not impose any costs on the CIWMB.

There has been no formal agreement on public information beyond the MOAs listed above, but the CIWMB is concentrating on public information concerning material types that will bring state waste reduction to 50% by the year 2000, such as composting, grasscycling, and construction and demolition waste. The DOC is focusing on plastic, glass and aluminum.

The CIWMB and DOC have worked collaboratively on several publications and events, such as the State Fair and Earth Day. Communication is ongoing.

In the area of public information and education, the report required by SB 436 may be redundant since a review of the MOAs could provide much of the same information. Updates on the status of the agreements would provide current information on collaborative efforts and would identify any continued areas of duplication and overlap.

Local assistance. Duplication and overlap between the CIWMB and the DOC in the area of local government review and assistance programs is relatively nonexistent. The CIWMB assists local governments in a number of venues including meeting the planning and diversion mandates of the Integrated Waste Management Act (Act). Assistance to local governments is provided by: preparing regulations or detailed guidelines for the preparation of local countywide integrated waste management plans; reviewing local plans for statutory, regulatory, and technical adequacy; providing direct local planning and implementation assistance; providing, reviewing, and granting used oil and household hazardous waste grants; certifying and visiting used oil collection centers; providing assistance to local public education programs; and developing CIWMB policies concerning local planning, diversion, and implementation issues. These are not areas of focus for the DOC.

Market development. Duplication and overlap in the area of recycled materials market development programs has not been formally studied. The DOC focuses on market development for plastic (PETE), glass, and aluminum as part of their effort to recycle beverage containers and has a grant program to help develop these markets. The CIWMB is required to develop a comprehensive market development program to stimulate market demand in California for postconsumer waste and secondary waste material generated in the state. Based on criteria such as relative contribution toward achieving the 50% diversion goal, special collection or environmental problems, anticipated impact on creating or enhancing markets, and time frame for implementation, the CIWMB has identified the following priority materials: compostables and mulches, construction and demolition waste, recovered paper, plastics, and tires.

Administrative issue. This bill may not be necessary. The CIWMB and the DOC have already worked together to identify areas of overlap and duplication. Administrative steps have been taken, and will continue to be, to ensure that coordination takes place.

LEGISLATIVE HISTORY

SB 436 was introduced on February 18, 1997. It has been referred to the Senate Environmental Quality Committee, with no hearing date set.

Support: None received

48 Oppose: None received

In January of 1995, the Governor announced his plans to introduce a Governor's Reorganization Plan (GRP) and possible associated legislation for the purposes of a broad governmental reorganization that would include placement of the Division of Recycling at DOC within the CIWMB in a part-time board structure. The bill, SB 1163 by Senator Leslie (R-Tahoe City), was held in the Assembly Natural Resources Committee and amended in June 1996 to deal with solid waste glass containers and plastic packaging containers, authored by Senator Hughes (D-Inglewood). SB 1163 ultimately failed passage in the Assembly Natural Resources Committee.

In 1994, three bills were introduced to reorganize the CIWMB. AB 2548 would have abolished the board member structure of the CIWMB and transfer its powers and duties to a newly created Division of Integrated Waste Management in the Resources Agency. SB 2026 (Bergeson) was the Wilson Administration's proposal to eliminate the board member structure of the CIWMB, and transfer the DOR beverage container recycling program to the CIWMB. SB 1089 (Killea) would have reduced the membership of the CIWMB from six to five, and transferred the DOR program to the CIWMB.

In 1993 and again in 1994, then-Assemblyman Sher introduced bills (AB 2038 in 1993, and AB 3392 in 1994) that would have, in part, required the CIWMB and the DOC to prepare, adopt and submit to the Governor and the Legislature a MOU that would identify areas of overlap that could be more efficiently and inexpensively administered through coordination of program responsibilities. Both bills were vetoed by the Governor on the grounds that they were "unnecessary and an infringement upon the functions of the Administrative Branch." In vetoing AB 3392 in 1994, the Governor also stated that "the DOC and the CIWMB have identified areas of overlap and duplication and initiated administrative steps to ensure that coordination takes place."

FISCAL AND ECONOMIC IMPACT

SB 436 would impose costs of \$50,000 (.5 PY) to FY 1997-98 from the Integrated Waste Management Account (IWMA) to prepare the report. The CIWMB and the DOC would need to hold meetings and collect information to draft the required report identifying areas of overlap and duplication. The amount of staff time would be contingent on the requirements of the report and the degree to which both agencies could agree to its contents.

As a result of the successful diversion of solid waste from California's landfills, the CIWMB is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

This measure could have a positive impact on local governments and businesses to the extent that any duplication or overlap identified is dealt with, impacts local and business decisions, and reduces their costs.